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SUBJECT: "STURM UND DRANG" FOLLOWED BY "STAY THE COURSE" -
WHAT TO EXPECT FROM GERMANY ON KOSOVO

REF: A. STATE 146242

[1](#)B. BERLIN 01913

[1](#)C. BERLIN 01995

Classified By: Charge John Koenig for Reasons 1.4 (b) and (d).

[1](#)1. (C) SUMMARY: Despite deeply-rooted German desires for a UN-mandated Kosovo/Serbia settlement, the German government has indicated it will recognize Kosovo if, as expected, Pristina unilaterally declares independence following the completion of the Troika process. The German government has also signaled that it will continue to maintain its military presence in Kosovo through KFOR and press for a planned European Security and Defense Policy (ESDP) mission. While some German politicians are likely to call for a new parliamentary mandate to cover German forces in Kosovo after UDI, this should not be a serious threat to the governing Grand Coalition's decision to stay the course and maintain Germany's KFOR mission in Kosovo. END SUMMARY.

Working Hard for Compromise...

[1](#)2. (C) Germany remains one of the most active members of the Contact Group/Troika process. MFA Political Director Volker Stanzel recently highlighted German efforts to get all 27 EU members "comfortable" with the way forward, and is hosting the EU PolDirs in Germany on November 18 to discuss these matters in advance of the next meeting of EU Foreign Ministers. However, according to MFA Kosovo Desk Officer Christian Plate, the most recent Troika meeting in Vienna on November 5 left German MFA officials with a pessimistic outlook on the chances for a Serb/Kosovar settlement. EU Troika Representative Wolfgang Ischinger had earlier forecast a 10 percent chance for success. "That number is slipping quickly" lamented Plate. With only two more Troika meetings remaining before December 10 deadline, the Troika wants to put "new ideas on the table," and Ischinger plans to discuss a proposal modeled after the German-German Basic Treaty of 1972, which allowed special relations between East and West Germany by granting de facto, but not de jure, legal recognition of both sides' sovereignty.

[1](#)3. (C) In his effort to reach an agreement, FM Frank-Walter Steinmeier met November 7 with Serbian FM Vuc Jeremic for bilateral talks in Berlin before receiving the Kosovar Unity Team on November 8. Both meetings failed to produce new results with Steinmeier making clear to Jeremic that he had no intention of agreeing to any extension of talks.

Steinmeier urged the Kosovars to closely coordinate all steps with "key allies" prior to and immediately following a UDI. Officially, the government line remains that there is no Plan B after December 10. According to MFA State Minister Gernot Erler, "even if chances are slim, every effort must be made to find a negotiated solution."

...But Recognizing Realities

14. (C) Privately, MFA Western Balkan Division Chief Joachim Bleicker admits that he expects a Kosovar UDI sometime after December 10 and "preferably not before late January." Speculation in Germany about the time frame ranges from "the day after" the December 10 Troika deadline to the second half of 2008. According to Bleicker, Bundestag (Parliament) members are anxious that a Kosovar UDI during the winter recess could require a special recess session to deal with the question. Regardless, the German government is prepared to recognize an independent Kosovo, "if not in the first wave, then shortly thereafter," said Bleicker. According to Dirk Sawitzky, Erler's Chief of Staff, MFA officials and Bundestag members' biggest concerns remain social unrest in Kosovo, a radicalization of Serbia's domestic politics, and destabilizing effects in Bosnia with the possible separation of Republika Sprska. Germany is also increasingly concerned with Russian actions in the region, especially Russian threats to link Bosnia and Kosovo by only supporting a limited extension of the EUFOR mandate at the UN.

Government: No New Mandate Required

15. (C) Traditionally, Germany's legalistic tendencies would

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call for a new UNSCR on Kosovo following UDI, and we expect some German parliamentarians to make this demand. According to SPD Bundestag member Johannes Jung, a new UN mandate would provide the EU with a sound legal basis for the planned ESDP mission (Germany has already begun to recruit experts to participate) and also calm concerns expressed by German Bundestag members about the legal footing of Germany's participation in the NATO KFOR deployment. However, the German government recognizes Russian intransigence makes this increasingly unlikely and is therefore prepared to keep UNSCR 1244 as a legal basis for its Kosovo deployment. The GoG is also defending this decision within the EU (where there is no consensus as of yet). Furthermore, the GoG believes that a new Bundestag mandate authorizing Germany's participation in the KFOR mission is not required. The situation, however, is similar to the debate on Germany's Tornado deployment to Afghanistan earlier this year. The government was certain early on that the deployment was covered by the already-existing ISAF mandate, a view which was widely shared by legal experts. Nevertheless, political pressure resulted in the government seeking a new, separate mandate for the Tornados. The Bundestag has not, in fact, debated Germany's role in Kosovo for some time and such a debate, while cumbersome, could reinvigorate the public and the Bundestag to continue Germany's role in the region during this "next stage."

Bundestag: New Mandate

16. (C) Under the German constitution, the German Bundestag is responsible for authorizing the deployment of the German military abroad. While all parties are still considering how to respond to UDI, some initial conversations indicate that:

(a) An advisor to CDU/CSU Deputy Caucus Chair Andreas Schockenhoff told us that the Union parties do not see any need to rush a debate on Kosovo. They believe that there is a sound legal basis to continue the KFOR deployment even after UDI. They do recognize that a new Bundestag mandate

may be forthcoming, but that "Germany's commitment to Kosovo is unwavering."

(b) SPD staffers emphasized that the debate within the Caucus had only just begun. (NOTE: The SPD-affiliated Friedrich-Ebert Foundation is hosting a public event on Kosovo during the week of November 26. END NOTE.) While we expect the SPD's debate to be a bit more controversial than in the Union parties, the SPD will not want to damage the SPD-led MFA (which assesses that there is no need for a new mandate) and, according to Jung, the SPD "remains committed to keeping the Bundeswehr in Kosovo, even after UDI."

(c) Green Party staffers noted that there is a "real desire" in the caucus to keep the Bundeswehr in Kosovo, but that there is still a need to discuss the issue internally and to reconcile this with more fundamental convictions of the rank-and-file party members. The Greens expect to have a position by the end of November and a call for a new Bundestag mandate is "highly likely." The party's Balkan expert, Marieluise Beck, plans to visit Pristina and Belgrade at the end of November.

(d) FDP Caucus staffers noted that at this point the party would be comfortable moving forward with the current mandate, but this could change as caucus members and the public begin to focus on Kosovo in the coming weeks.

(e) Only the left-wing Linke caucus indicated it will challenge a decision to keep the Bundeswehr in Kosovo at the Constitutional Court. While a new Bundestag mandate for Kosovo is not a foregone conclusion, Bleicker commented that the MFA is already working to respond should that occur.

A Longer Road, But in the Right Direction

¶7. (C) Comment: UDI will spur a lively debate here in Germany, and some politicians, including from the coalition parties, are likely to claim that a new UNSCR and/or a new Bundestag mandate are required for German military forces to continue to operate in Kosovo or for the new ESDP mission to proceed. While this domestic debate could prove messy and

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difficult, the government remains committed to the position that the existing UNSCR 1244 and the current Bundestag mandate provide a sufficient legal basis for continuation of the KFOR operation as well as the launch of the ESDP mission.

Importantly, all major political players and parties in Germany are supportive of Germany's ongoing role in Kosovo and the western Balkans. End comment.
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